P.R. No. 6017/05
Presented by Shri Abishak Shukla
dated 22/11/05

C.D. 1001

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, (C.G.)

W.P. No. 5893 /2005

PETITIONER:

Mohd. Akbar
Member of Legislative Assembly State of Chhattisgarh, Aged about 49 years, S/O Shri Mohd. Rashid R/O K.K. Road, Maudhapara, Raipur District Raipur (Chhattisgarh)

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VERSUS

RESPONDENTS:

1. Union of India
Through the Ministry of Law and Justice, New Delhi- 110001

THAKUR VIJAY SINGH
Panel for Union of India
CHHATTISGARH HIGH COURT
High Court Campus, Bilaspur (C.G.)

2. Delimitation Commission of India
Nirvachan Sadan, Ashoka Road New Delhi 110001, Through its Secretary

R/C
22/11/05

3. State of Chhattisgarh
Through the Chief Secretary
D.K.S. Bhawan, Mantralaya
Raipur (Chhattisgarh)

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 5893/2005 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
1	**5-12-2006** Shri Jitendra Pali, counsel for the petitioner. Shri V.S. Tiwari, Advocate appears on behalf of Shri Bishma Kinger, standing counsel for the Union of India/ respondent No.1. Shri A.S. Gaharwar, counsel for respondent No.2. Shri U.N.S. Deo, Govt. Advocate for the State/respondent No.3. Learned counsel for the petitioner prays for adjournment on the ground that his senior has to argue the case who is not available today. The prayer made by learned counsel for the petitioner is vehemently opposed by learned counsel appearing for the respondents. The petition is pending since 22-11-2005. In view of that, prayer for adjournment made by learned counsel for the petitioner is rejected. **W.P.No.5893 of 2005, M.(W.).P.No.4686 of 2005, I.A.No.10136 of 2005 & I.A.No.10130 of 2005.** Heard. Learned counsel for the respondents contended that notification in exercise of power conferred under Section 9(2)(d) of the Delimitation Act, 2002 (henceforth "the Act") has been issued under sub-section (1) of Section 10 of the Act and the same was published in Gazette dated 2-6-2006 and in local newspapers. In view of Section 10(2) of the Act and the law laid down by the Hon'ble Apex Court in the matter of ***Meghraj Kothari vs. Delimitation Commission and others (AIR 1967 SC 669)***, petitioner is refrained from challenging the division of State of Chhattisgarh into Assembly Constituencies and, therefore, instant petition which challenges the draft proposals for division of State of Chhattisgarh	

पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

222

मामला क्रमांक WP 5893/2005 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

into Assembly Constituencies, which itself has merged into notification, cannot be agitated in any Court of law.

Learned counsel for the petitioner failed to demonstrate how, in view of the above, the instant writ petition subsists.

Section 10(2) of the Act prohibits, commission's order made under Section 8 or Section 9 of the Act after its publication in the Gazette being challenged in any Court of law. Hon'ble Apex Court in the case of ***Meghraj Kothari*** (supra) has held that objection can be entertained only before date specified under Section 9(2) of the Act and after their publication in Gazette, they can no longer be reagitated in Court of law.

In view of the above, the writ petition is liable to be dismissed and is accordingly dismissed.

Consequently, M.(W.).P.No.4686 of 2005, I.A.No.10136 of 2005 & I.A.No.10130 of 2005 stand disposed of.

Sd/-
V.K.Shrivastava
Judge

Gowri

(पीछे देखिये)